

32D04-2008-CT-000148

Hendricks Superior Court 4

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Clerk
Hendricks County, Indiana

IN THE SUPERIOR COURT 4 OF HENDRICKS COUNTY, INDIANA

CAROL FOUNTAIN, Plaintiff

vs.

WAL-MART STORES EAST, LP, Defendant

The Plaintiff's Complaint for Damages and Jury Demand

1. Plaintiff Carol Fountain is an individual and resident of Hendricks County, Indiana.
2. Defendant Wal-Mart Stores East, LP, is an active foreign limited partnership originally created in Delaware with a principal office address in Arkansas.
3. Defendant is the owner and operator of a Wal-Mart store in Hendricks County, Indiana, located at 2373 E Main Street, Plainfield, Indiana ("The Store").
4. On November 3, 2019, at approximately 11 am EST ("the date of loss"), the Plaintiff suffered personal injuries while at The Store in the produce section while a customer of Wal-Mart.
5. The cause of Plaintiff's injuries on the date of loss was Wal Mart employee "Kim's" negligent operation of a large shopping cart full of merchandise. Kim's cart struck Plaintiff's cart which then struck Plaintiff causing her to fall and break her hip.
6. Kim was shopping the store for Wal Mart's "Grocery Pickup" service. This cart was too tall for Kim to see over or around. This cart was so large and full of items it was difficult to maneuver, see around, and was a danger to other patrons like Plaintiff.
7. The Defendant and their employee Kim had a duty of care to the Plaintiff and Defendant and their employee Kim breached said duty on the date of loss proximately causing the Plaintiff damages.

8. As the employer of “Kim,” Defendant is responsible for the damages she caused to the Plaintiff under the theory of Respondeat Superior.

9. The Plaintiff requests a trial by jury.

WHEREFORE, the Plaintiff requests a judgment in her favor against the Defendant for damages, costs, and all other proper relief.

Respectfully Submitted,
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